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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,520	12/21/2004	Matti Myyry	P1545US00	8108

30671 7590 10/04/2010
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EXAMINER

LU, ZHIYU

ART UNIT	PAPER NUMBER
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2618

NOTIFICATION DATE	DELIVERY MODE
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10/04/2010

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/518,520
Filing Date: December 21, 2004
Appellant(s): MYYRY ET AL.

Chih-Hsin Teng
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 06/04/2010 appealing from the Office action mailed 11/23/2009.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the

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appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading “WITHDRAWN REJECTIONS.” New grounds of rejection (if any) are provided under the subheading “NEW GROUNDS OF REJECTION.”

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. 35 U.S.C. 112 1st paragraph rejections on claims 31-32, 51-52 and 62-64 have been withdrawn.

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant’s brief.

(8) Evidence Relied Upon

7002942	Kotzin	2-2006
2002/0034959	Jamieson et al.	3-2002
7248677	Randall et al.	7-2007

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(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 31-43 and 45-54, 61-73 and 76-77 are rejected under 35 U.S.C. 102(e) as being anticipated by Kotzin (US Patent#7002942, same as US2003/0026221).

Regarding claim 52, Kotzin anticipates an apparatus (106A of Figs. 1, 4, 7) comprising:

means (LAN TRANSCEIVER in 106A of Fig. 1) for sending a request (i.e. inquiry and/or page in Bluetooth protocol) for group establishment to at least one slave user equipment (106B-N of Figs. 1, 4, 7) over a first communications network (102 of Fig. 1) (Bluetooth inquiry for piconet establishment, 500A-506D of Fig. 5, or query messages in column 8 lines 61-67);

means (LAN TRANSCEIVER in 106A of Fig. 1) for receiving from at least one slave user equipment over the first communications network a response comprising information on a user for group establishment (500A-506D of Fig. 5, column 8 line 67 to column 9 line 11);

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means (112 of Fig. 1) for creating the group based on the information received in responses from the at least one slave user equipment (column 8 lines 9-11);

means (LAN TRANSCEIVER in 106A of Fig. 1) for sending the information on the created group to all members of the group via the first communications network (column 6 lines 19-29, where broadcasting makes known of group members to all members of the group); and

means for establishing the group communication in the second communication network (508, 512A-D of Fig. 4, where communications in network 104 are for the created group in relaying data, which is considered as group communication in the second communication network; furthermore, group communication does not necessarily limit communication among group members, communications between the network and the group is also considered as group communication).

Regarding claim 31, Kotzin anticipates a method as explained in response to claim 52 above, wherein the master device sends and stores group information in the second communication network (114 of Fig. 1, 604 of Fig. 6, column 9 lines 39-41).

Regarding claim 32, Kotzin anticipates a method of establishing a communications group in a communications network as explained in response to claim 52 above.

Regarding claim 51, Kotzin anticipates a user equipment comprising a group communications capability as explained in response to claim 52 above, where master device sends and stores

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group information in the second communication network (114 of Fig. 1, 604 of Fig. 6, column 9 lines 39-41).

Regarding claim 62, Kotzin anticipates an apparatus as explained in response to claim 51 above.

Regarding claim 63, Kotzin anticipates an apparatus as explained in response to claim 52 above.

Regarding claim 64, Kotzin anticipates a computer program embodied on a computer readable medium for controlling a computer to perform a method as explained in response to claim 31 above.

Regarding claims 33 and 65, Kotzin anticipates the limitations of claims 31 and 64.

Kotzin anticipates wherein at least one of the request or the response is a multicast request, a point-to-point request, a short message request, an instant message request, an e-mail message request, a multimedia message request, a unified messaging message request, a WAP (Wireless Application Protocol) message request, or an SIP (Session Initiation Protocol) message request (column 8 line 63).

Regarding claim 34, Kotzin anticipates the limitation of claim 31.

Kotzin anticipates further comprising, in creating or modifying the group, checking, by the master user equipment, the response from slave user equipment and if the information of the

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slave user equipment is acceptable, adding the slave user equipment to the group (inherent in Bluetooth grouping).

Regarding claim 35, Kotzin anticipates the limitation of claim 31.

Kotzin anticipates wherein the request comprises a file which guides the user of the slave user equipment to send only the information needed to establish the group to the master user equipment (inherent in Bluetooth connection setup).

Regarding claim 36, Kotzin anticipates the limitation of claim 31.

Kotzin anticipates wherein the request comprises a file which guides the slave user equipment to send only the information needed to establish the group to the master user equipment (inherent in Bluetooth connection setup).

Regarding claim 37, Kotzin anticipates the limitation of claim 31.

Kotzin anticipates further comprising retrieving, by the master user equipment, a file for the request from at least one of the first communications network, and the second communication network, from its memory (inherent broadcasting synchronization request), or from the slave user equipment.

Regarding claim 38, Kotzin anticipates the limitation of claim 31.

Kotzin anticipates further comprising retrieving, by the master user equipment, a file for the request (inherent broadcasting synchronization request).

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Regarding claims 39, 53-54, 66 and 76, Kotzin anticipates the limitations of claims 31, 51, 64 and 62.

Kotzin anticipates wherein the first communications medium is a circuit switched network, a packet switched network, a wireless local area network, an IrDA network, a Bluetooth medium or a network according to the IEEE 802.11 standards (102 of Fig. 1).

Regarding claims 40, 67 and 77, Kotzin anticipates the limitation of claims 31, 64 and 62.

Kotzin anticipates wherein the second communications network a digital mobile communications network, a circuit switched network, or a packet switched network (104 of Fig. 1).

Regarding claim 41, Kotzin anticipates the limitation of claim 31.

Kotzin anticipates further comprising before sending the request from the master user equipment to at least one slave user equipment, selecting by the master user equipment an identification to be used in the information interchange (inherent in Bluetooth connection setup, eg. master device's identification and/or password).

Regarding claims 42 and 68, Kotzin anticipates the limitations of claims 31 and 64.

Kotzin anticipates further comprising sending the request is by using multicasting (column 6 lines 19-22).

Regarding claims 43 and 69, Kotzin anticipates the limitations of claims 31 and 64.

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Kotzin anticipates further comprising sending the request by using broadcasting (column 6 lines 19-22).

Regarding claims 45 and 70, Kotzin anticipates the limitations of claims 31 and 64.

Kotzin anticipates further comprising sending by the master user equipment, the request automatically when new user equipment enters a predetermined area (inherent in Bluetooth device detection).

Regarding claim 46, Kotzin anticipates the limitation of claim 45.

Kotzin anticipates further comprising detecting entrance of a client or new user equipment into the predetermined area; and sending the request over the first communications network at least in the proximity of the entrance point (inherent in Bluetooth device detection).

Regarding claims 47 and 71, Kotzin anticipates the limitations of claims 45 and 70.

Kotzin anticipates further comprising sending the request periodically over the first communications network at least in the proximity of the entrance point to the predetermined area (inherent in Bluetooth device detection).

Regarding claims 48 and 72, Kotzin anticipates the limitations of claims 31 and 64.

Kotzin anticipates further comprising deleting by the master user equipment, user equipment from a group when user equipment exits a predetermined area or after a predetermined period of time has elapsed (inherent in piconet update).

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Regarding claim 49, Kotzin anticipates the limitation of claim 48.

Kotzin anticipates further comprising detecting exit of a client or user equipment from the predetermined area, sending an identification request over the first communications network at least in the proximity of the exit point; and deleting a group member from the group on the basis of a response to the identification request, if any (inherent in piconet connection).

Regarding claims 50 and 73, Kotzin anticipates the limitations of claims 31 and 64.

Kotzin anticipates further comprising sending, by the master user equipment or another device provided with the group information, advertisements to the group members over the communications network (inherent in query).

Regarding claim 61, Kotzin anticipates the limitation of claim 31.

Kotzin anticipates further comprising modifying the group based on the information received in responses from the at least one slave user equipment (inherent in detecting new Bluetooth unit); and sending by the master user equipment information on the modified group to the second communications network (114 of Fig. 1, 604 of Fig. 6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kotzin (US Patent#7002942) in view of Jamieson et al. (US2002/0034959).

Regarding claim 44, Kotzin teaches the limitation of claim 31.

But, Kotzin do not expressly disclose the identification is an MSISDN number.

Jamieson et al. teach using MSISDN number as identification in talk group (paragraph 0022).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate using MSISDN number as identification in talk group taught by Jamieson et al. into the method of Kotzin, in order to configured talk group with mobile telephones.

3. Claims 74-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotzin (US Patent#7002942) in view of Randall et al. (US Patent#7248677).

Regarding claims 74-75, Kotzin teaches the limitations of claims 31 and 62.

But, Kotzin does not expressly disclose wherein the group management server is for one of presence and instant messaging.

Randall et al. teach that a presence and instant messaging server holds information on individuals, groups, and organizations (column 19 lines 25-41, column 20 line 59 to column 21 line 40).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate having network database server handling presence and instant messaging taught by Randall et al. into the method and apparatus of Kotzin, in order operate services for presence and instant messaging.

(10) Response to Argument

Appellant's arguments with respect to 35 U.S.C. 112 1st paragraph rejections on claims 31-32, 51-52 and 62-64 have been fully considered and withdrawn.

(Claims 31-32, 51-52 and 62-64) The appellant argued that paragraphs 0003-0006 and 0008 of published application provide adequate descriptive support for “establishing the group communication in the second communication network”. In addition, canceled original claims 1-30, which are part of the original disclosure, such as claims 25 and 30 have possession of “establishing the group communication in the second communication network”.

In response to the argument, the examiner respectfully disagrees with the appellant's argument. Cited paragraphs 0003-0006 of published application disclose problem of collecting information individually for group creation, which has no support to the argued limitation. Disclosure of MSISDN (mobile subscriber international integrated services digital network) number only indicates use of user equipment identification, but not necessarily indicating which communication network the group is created in. The paragraph 0008 of published application discloses "establishing a communication group in **a communications network** by sending from master user equipment to at least one slave user equipment via *a communications medium*,

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preferably **a short-range communications medium** that is separate from *the primary communications medium* of the communications network, a request prompting the user of the slave user equipment to send user information for **group establishment in the communications network.**” It shows that the communications network has a primary communications medium, which hints the communications medium (e.g., a short-range communications medium) as a secondary communications medium of the communications network. And the establishment request is sent via the communication medium (e.g., the short-range communication medium). It only discloses group establishment in the communications network, but does not specify which communication medium (primary or short-range) the communications group is established in. Paragraph 0008 then discloses “The slave equipment sends to the master user equipment **over the communications medium** a response comprising user information for group establishment.” Again, it shows group establishment reply is via the communication medium (e.g., the short-range communication medium). Paragraph 0008 later discloses “The master user equipment creates or modifies the group based on the information received in responses from the at least one slave user equipment. Finally the master user equipment sends the information on **the created or modified group** to the communications network or to the slave user equipments for establishing said group.” Clearly, it does not specify or mention establishing said group in the primary communications medium of the communications network. All the group establishing inquires and responses are performed on the short-range communications medium. Yet, the cited paragraph 0008 specifies that the group is created before the information on the created group is sent to the communications network. So, appellant's cited paragraphs 0003-0006 and 0008 of

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published application do not have sufficient support for the argued limitation “group communication in the second communication network”.

For the original claim 25, despite appellant’s argument, “a plurality of user equipment each including a group communications capability in the mobile communications network, and a transceiver for further communication over a short-range communications medium” indicates capable of communicating in the mobile communications network but not necessarily indicating such communication operation. Again, “at least one user equipment being configured to operate as master user equipment (UEA) and to send (2-4, 2-5) a request to at least one slave user equipment (UEB, UEC) over the short-range communications medium prompting the user of the slave user equipment (UEB, UEC) to send user information for group establishment in the mobile communications network” in original claim 25 does not necessarily support the argued limitation “establishing the group in the second communications network” in claim 31. First, “the master user equipment (UEA) being further configured to send the information on the created or modified group to the mobile communications network for establishing said group” in original claim 25 admits that the group is created before the information is sent to the mobile communications network. Second, the cited limitations in original claim 25 disclose sending *“the information on the created or modified group”* to the mobile communications network for establishing said group” but not “establishing the **group communication**”. For the original claim 30, despite appellant’s argument, “sending advertisements to the group members over the communications network” does not specifically indicate over “the mobile communications network”. Since “the group members” are both recognized in the short-range communications medium and the mobile communications network, “the communications network” in original

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claim 30 may indicate sending advertisements over the short-range communications medium. Moreover, parent claims of the original claim 30 are claims 25-29, wherein direct parent claims 27-28 are about the short-range communications, which makes interpretation of “the communications network” as the short-range communications more obvious. So, appellant’s cited original claims 25 and 30 do not have sufficient support for the argued limitation.

According to the filed abstract, the group is created initially in the short-range communications medium, and then the information of the created group is sent to the mobile communication network so that both the short-range communications medium and the mobile communication network recognize the group for communication. Regardless whichever network group communications is on, communications are for the same group initially created over short-range communications medium. Nevertheless, the abstract is the only filed document that has the support “When the group has been created, the user equipment can initiate group communication in the mobile communication network.” Therefore, 35 U.S.C. 112 rejections on claims 31-32, 51-52 and 62-64 have been withdrawn.

Appellant’s arguments with respect to 35 U.S.C. 102 rejections on claims 31-43, 45-54, 61-73 and 76-77 have been fully considered but they are not persuasive.

(Claims 31-43, 45-54, 61-73 and 76-77) The appellant argued that there is no basis for the Examiner’s determination that Kotzin discloses “establishing the group communication in the second communications network” because Kotzin’s communication is to facilitate one of the

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subscribers to communicate with the network 104, rather than any group communication among the subscribers.

In response to the argument, the examiner respectfully disagrees with the appellant's argument. For method claims, claim 1 states “**receiving** from the at least one slave user equipment a response comprising **information on a user for group establishment, over the first communications network; creating**, by the master user equipment, **the group based on the information received** in responses from the at least one slave user equipment, the group comprising the master user equipment and the at least one slave user equipment; **sending**, by the master user equipment, **the information on the created group to** a group management server in **a second communications network**” in method claim 1; and claim 32 states similar limitation. For apparatus claims, claim 51 states “**means for receiving** from at least one slave user equipment **over the first communications network** a response comprising **information on user for group establishment; means for creating the group based on information received** in responses from the at least one slave user equipment; **means for sending the information on the created group to** a group management server in **a second communications network**”; And claim 52 and 62-64 state similar limitations. Giving the broadest interpretation, the independent claims present initially creating group establishment on the first communications network (e.g. local area network or short-range communication medium) and later sending information on **the created group** to the second communications network (e.g. mobile/WAN communication network), so that both the first communications network and the second communications network recognize the created group, which leads to group communication in the second

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communication network. This claim interpretation also corresponds to interpretation on the filed abstract as explained above.

The objective of Kotzin's invention is to share resource usage of wireless resources for apparatus that may communicate with a wide area network to enhance participation by potential wireless apparatuses (column 2 lines 10-17). In order to facilitate this wireless resource sharing, both the local area network and the wide area network have to know the specific wireless units that are allowed or willing to share wireless resources, in other words, working as a group in both the local area network and the wide area network. In 102 rejection, Kotzin discloses initially creating an aggregated group (e.g. 106A-D&N of Figs 4, 7, column 8 lines 6-37) in a first communications network (local area network, 102 of Fig. 4), wherein the wireless unit 1 (106A) sends a request for sharing resources as a group to wireless units 2-4&N (106B-D&N) in the local area network (504A-D of Fig. 5) and then receives a response of agreement in sharing wireless resources as a group (506A-D of Fig. 5). In Kotzin, information on the created aggregated group is sent to a second communications network (wide area network, 104 of Fig. 4) to notify the second communications network which wireless units belong to the aggregated group, so that the specified wireless units can communicate to the second communications network as a group (604 of Fig. 6, column 9 lines 38-46). Without further defining "group communication", the communication between the wireless units of the aggregated group and the second communications network is considered as a group communication (column 10 lines 7-27, column 14 lines 28-47) because the second communications network recognizes communications with the identified wireless units as a group for the same information. Giving the broadest

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interpretation to “establishing the group communication in the second communication network”, Kotzin anticipated the argued limitation.

Thus, the rejections are proper and maintained.

Appellant’s arguments with respect to 35 U.S.C. 103 rejections on claims 44 and 74-75 have been fully considered but they are not persuasive.

(Claims 44 and 74-75) The appellant raised the same argument on limitation "establishing the group communication in the second communications network" as above.

In response to the argument, applying the explanation in response above, Kotzin does teach the independent claims. Thus, the 103 rejections on claims 44 and 74-75 are proper and maintained.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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